

REMARKS

Responding to paragraphs 1-2 of the Office Action, the rejection of claims 11, 13, 14 and 16-29 under 35 U.S.C. 103(a) as being unpatentable over Yano (U.S. Patent No. 4,516,272) is respectfully traversed. As stated in Amendment A, it is believed that the subject matter of the various claims was commonly owned at the time any inventions covered by the claims were made.

Regarding claim 13, the Examiner states that Yano fails to specifically disclose the feature of dividing the even number W of channels in each link into two sets when W is greater or equal to 4 and l is greater or equal to 2, providing a star network configuration such that channel i on any link may be connected to channel $w(i)$ on any other links, where $w(i) = l + W/2$. However, the Examiner states that the feature is a simple network configuration algorithm and well known in the art, which can be easily adopted by one of ordinary skill in the art into the network of Yano to provide a specific network configuration as per request by design choice.

This is the same statement that the Examiner made in the previous Office Action. The statement was challenged by the applicants in Amendment A. The applicants noted that the Examiner had not provided any reference teaching the concept omitted from Yano in any context, much less a star network of the type claimed and that the examiner's assertion appears to be merely a hindsight application of the applicants' own teaching without any support in the prior art. To the extent that the Examiner's statement was Official Notice of "common knowledge" pursuant to MPEP § 2144.03, then the Examiner was obligated to support the statement with adequate documentary

evidence in the Final Office Action as provided in MPEP § 2144.03 (C) because the applicants traversed the statement. However, the Examiner has provided no such documentary evidence. The applicants again traverse the statement and request that the Examiner provide documentary evidence to support the statement. In addition, the applicants respectfully request that the final rejection be withdrawn. Without documentary support for the statement traversed by the applicants, the applicants and the Examiner are not at issue and the final rejection should be withdrawn.

If the Examiner is not relying on “common knowledge” pursuant to MPEP § 2144.03, then there is no support in the record for the Examiner’s statement that what Yano fails to disclose is found anywhere in a relevant art, and the rejection under § 103 should be withdrawn.

Claim 13 also is limited to a hub node where i is no greater than W. Yano does not teach or suggest this novel concept, and the Examiner has pointed out no portion of Yano that purports to provide the teaching or suggestion. For all the foregoing reasons, claim 13 is allowable.

Regarding claims 14 and 16, each is limited to a multiplexed link. This type of link is neither taught nor suggested by Yano. The Yano Patent does not appear to include the word “multiplex” or any variation of that word. The examiner also has not cited any other reference teaching a multiplexed link in the claimed combination. Claims 14 and 16 are allowable on this basis alone. In addition, claims 14 and 16 are allowable for the reasons stated in connection with claim 13. This same argument was made in Amendment A, and the Examiner has provided no response to the argument.

As a result, the undersigned has no reason to amend claims 14 or 16 and no reason to change the argument.

Claim 11 has been limited to a hub node h and spoke nodes being connected to the hub node by links each having a plurality of W channels going into the hub node h and out of the hub node h. Yano does not teach or suggest such an arrangement. As described in connection with Figs. 3 and 5, Yano has a plurality of channels between nodes 8, but not between the nodes and terminals 3. As shown in Fig. 8a, there is a single input channel I11 (described in Fig. 5) and a single output channel O11 (described in Fig. 5) between node N1 and terminal T11. The other terminals also appear to have a single input channel and a single output channel. Claim 11 is allowable for this reason alone.

The Examiner's contention described in connection with claim 13 also is respectfully traversed in connection with claim 11. Contrary to MPEP § 2144.03, the Examiner has provided no documentary support for the statement that the algorithm is well known in the art. In addition, no one of ordinary skill would attempt to use the algorithm in connection with the Yano apparatus, because Yano teaches only a single channel input and a single channel output between his nodes 8 and terminals 3. As a result, there would be no motivation or incentive to arrange a plurality of channels between a hub node and spoke nodes as claimed. For all the foregoing reasons, claim 11 is allowable over Yano.

The same argument regarding claim 11 was made in Amendment A, and the Examiner has provided no response to the argument. As a result, the undersigned has no reason to amend claim 11 or to change the argument.

Claim 11 also is limited to a hub node where i is no greater than W . Yano does not teach or suggest this novel concept, and the Examiner has pointed out no portion of Yano that purports to provide the teaching or suggestion. Claim 11 is allowable for this reason alone.

Regarding claims 17-29, each of the independent claims has been limited to a hub node, a plurality of spoke nodes, and links coupled between the hub node and the plurality of spoke nodes, each link being arranged to carry a plurality of W channels into the hub node and out of the hub node. Yona does not teach or suggest any such arrangement. As pointed out in connection with claim 11, Yano teaches only a single input channel and only a single output channel between his nodes and terminals. Thus, there would be no motivation or incentive to group, divide or connect the channels as claimed.

The same argument regarding claims 17-29 was made in Amendment A, and the Examiner has provided no response to the argument. As a result, the undersigned has no reason to amend claims 17-29 or to change the argument.

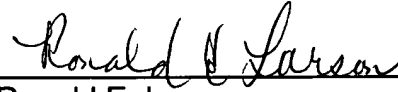
Responding to paragraph 3 of the Office Action, the Examiner's statement that claims 30 and 31 are allowed is gratefully acknowledged.

As a result, it is believed that all claims now pending in this application, claims 11, 13-14, and 16-31 are in condition for allowance, and such action is respectfully solicited.

If the foregoing remarks are not deemed to put the application in condition for allowance, the undersigned respectfully requests the Examiner telephone the undersigned and arrange a time for a telephone interview.

Date: September 2, 2003

Respectfully submitted,

A handwritten signature in cursive script, reading "Ronald E. Larson", is written over a horizontal line.

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